

TITLE 16. PHYSICIAN ASSISTANT COMMITTEE

NOTICE IS HEREBY GIVEN that the Physician Assistant Committee is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at 1424 Howe Avenue, Greg Gorges Conference Room, Sacramento, California, at 11:30a.m., on 17 August 2006. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Physician Assistant Committee at its office not later than 5:00 p.m. on 14 August 2006 or must be received by the Physician Assistant Committee at the hearing. The Physician Assistant Committee, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 2018, 3502, and 3510 of the Business and Professions Code, and to implement, interpret or make specific Section 2058 and 3502 of said Code, the Physician Assistant Committee is considering changes to Division 13.8 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 1399.541(h) of the existing regulation requires, in part, that the medical record of any patient cared for by the physician assistant for whom the physician's prescription has been transmitted or carried out shall be reviewed, countersigned, and dated by a supervising physician within seven days.

AB 2626 (Plescia, Chapter 452, Statutes of 2004) effective 1 January 2005 amended Section 3502.1 of the Business and Professions Code to require that the medical record of any patient cared for by the physician assistant for whom the physician's Schedule II drug order has been carried out shall be reviewed, countersigned, and dated by a supervising physician within seven days.

Section 1399.541(h) is currently in conflict with Section 3502.1 of the Business and Professions Code as a result of AB 2626.

This proposal would resolve these conflicts created by AB 2626.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because it only affects individual licensees. This proposal may have a beneficial impact because only drug orders issued by the physician assistant for Schedule II medications would be reviewed, countersigned, and dated by a supervising physician.

The following studies/relevant data were relied upon in making the above determination: None.

Impact on Jobs/New Businesses:

The Physician Assistant Committee has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California because it only affects individual licensees.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Physician Assistant Committee has determined that the proposed regulations would not affect small businesses because it only affects licensees.

CONSIDERATION OF ALTERNATIVES

The Physician Assistant Committee must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Physician Assistant Committee has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the

proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Physician Assistant Committee at 1424 Howe Avenue, Suite 35, Sacramento, California 95825-3237.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Glenn L. Mitchell
Address:	1424 Howe Avenue, Suite 35 Sacramento, CA 95825
Telephone No.:	(916) 561-8783
Fax No.:	(916) 263-2671
E-Mail Address:	gmitchell@medbd.ca.gov

The backup contact person is:

Name:	Richard L. Wallinder
Address:	1424 Howe Avenue, Suite 35 Sacramento, CA 95825
Telephone No.:	(916) 561-8782
Fax No.:	(916) 263-2671
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Website Access : Materials regarding this proposal can be found at:
www.physicianassistant.ca.gov.